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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,376	11/19/2003	Roger S. Kerr	87158RRS	6706

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EXAMINER

SHENG, TOM V

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,376	Applicant(s) KERR ET AL.	
	Examiner Tom V. Sheng	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 20 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/1/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-6, 9-11, 15-18, 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Giesberg et al. (US 6,462,868 B1), hereinafter Giesberg.

As for claim 1, Giesberg teaches a viewing device (viewing station; fig. 4) for use with an image transparency having an associated tracking memory, the viewing device, comprising: a display (display panel 401) adapted to present at least two illumination patterns (display both hardcopy and digital images; column 3 lines 25-32 and column 5 lines 37-63);

a reader device (scanner or reader of the viewing station; column 8 lines 8-11) for obtaining data stored (inherent data identifying the hardcopy image 501) in a tracking memory (RFID tag) of an image transparency (the hardcopy image 501) positioned proximate to the display (column 8 lines 8-11);

a control processing unit (processor 504; fig. 5) adapted to receive the obtained data (i.e. the RFID) and to cause the display to generate more than one illumination pattern with a first of the illumination patterns formed for passing through the transparency (when a hardcopy image is detected, size and location of a masking

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region is determined by processor 504; column 7 lines 1-13) and second of the illumination patterns formed for viewing on the display without passing through the transparency (processor 504 recalls an image and displays on display element 502; column 6 lines 57-64), and

wherein the appearance of at least one of the illumination patterns is determined based upon the data obtained from the tracking memory (the size and shape parameters of the hardcopy image 501 is within the RFID and thus allows defining the size, shape and lighting parameters for the hardcopy image 501; column 8 lines 2-11 and 19-22).

As for claim 2, Giesberg teaches that the obtained RFID, which is an alternative to the hardcopy image detection elements 505, are used for digital image manipulation or viewing area adjustment (column 6 lines 52-55). Giesberg further teaches that the retrieving of digital image from memory 506 could also come from a computer network, which inherently provides a database for the retrieval.

As for claim 4, the RFID provides encoded data defining display parameters for the display element 502 to provide appropriate light levels and masking patterns for the hardcopy image 501 (column 7 lines 58-65 and column 8 lines 2-11).

As for claim 5, Giesberg teaches that the transillumination of hardcopy images or digital images, of which locations and sizes may be provided by a diagnostician (column 5 lines 59-63 and column 8 lines 23-40).

As for claim 6, Giesberg teaches possible use of display element 502 as a touch screen for sensing the hardcopy image 501 (column 8 lines 5-8).

As for claim 9, Giesberg teaches an embodiment where display element 502 could be divided into one part for hardcopy viewing and one part for digital image viewing (column 8 lines 33-36).

As for claim 10, Giesberg inherently teaches a radio frequency transceiver in order to read from the RFID tag and provide the data to the processor 504.

As for claim 11, Giesberg teaches using LCD as one form of display (fig. 1; column 3 lines 40-44).

Claim 15 is associated with the limitations of claims 1 and 2 except for the backlight illumination. Light source 102 (fig. 1) of Giesberg corresponds to claimed backlight illumination.

Claim 16 is similarly rejected as claim 6.

As for claim 17, the RFID is inherently a network address in order to retrieve from a network database.

As for claim 18, Giesberg's digital image corresponds to claimed at least one electronic image.

Claim 26 corresponds to claim 15 and is similarly rejected.

Claim 29 corresponds to claim 15 and is similarly rejected. The RFID tag is a tracking memory.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 7, 8, 12, 13, 19, 21, 23, 25, 28, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giesberg.

As for claim 3, Giesberg does not teach that the RFID associated with the hardcopy image would store an image of the hardcopy. On the other hand, as analyzed with respect to claim 2, Giesberg teaches using RFID to further retrieve digital image data. It would have been obvious to one of ordinary skill in the art, that the associated digital image can simply be stored within the memory of the RFID as an alternative to retrieving from a memory either locally or from a network database. With the low cost and large capacity of flash memory nowadays, it is rather convenient to provide.

As for claims 7 and 13, Giesberg teaches annotation of textual information associated with either a hardcopy or digital image. Giesberg does not specifically teach using a stylus for the annotation. However, it would have been obvious to one of ordinary skill in the art to use a stylus for annotation, especially when a touch screen is part of the display element 502, because this allows for a convenient input of data.

As for claim 8, Giesberg does not teach use of a static attraction of attaching the hardcopy image. However, this is a well-known alternative to attaching by means of clips and performs equivalently.

As for claim 12, a tiled display is display by means of a group of adjacent display units and is well known in the art.

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As for claim 19, providing patient identification to the hardcopy image would be an obvious advantage so that mix-up could be easily corrected.

As for claim 21, Giesberg does not teach illuminating an area of interest of the transparency with a different appearance than the rest of the transparency. On the other hand, one of ordinary skill in the art would recognize that having a highlight area on a particular transparency draws attention to a portion deemed important. Therefore, it would have been obvious to one of ordinary skill in the art to provide illumination pattern with area of emphasis such that an area of interest can stand out.

As for claim 23, Giesberg teaches all the elements as recited in claim 1 except for an interface for communicating with other imaging devices for receiving data related to the image transparency, as claimed. On the other hand, one of ordinary skill in the art would recognize that since most imaging devices are computer controlled and further connected to a computer network or the internet nowadays; it is naturally beneficial to be able to relate images from one device to another device because of the benefit of being able to quickly share information remotely. This is especially advantageous when a medical professional being consulted is in a remote location. Therefore, it would have been obvious to incorporate image sharing among imaging devices because of the saving in time in sharing of image information and results in a quicker consultation.

As for claim 25, setting the color for backlight illumination is obvious because it may facilitate the viewing of certain type of medical transparencies.

As for claim 28, associating window appearance with patient identification would be an obvious advantage due to different patient requires different amount of images to be looked at the same time.

As for claims 31 and 32, setting ambient lighting and environmental conditions based on personal preference is advantageous since people have different sensitivities to light, humidity, temperature, etc.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giesberg as applied to claim 1 above, and further in view of Bogomolnyi (US 6,550,922 B2).

As for claim 14, Giesberg teaches all the elements as recited in claim 1 except an audio capture system for recording audio information. Bogomolnyi teaches recording audio and video information in association with an overhead projector based presentation. Specifically, based on the changes in object being viewed, the audio data is recorded and correlated with the marker signal designating changes (column 2 lines 1-31).

It would have been obvious to incorporate the teaching of Bogomolnyi by providing a similar audio capture system in Giesberg's viewing station such that audio information related to an image transparency can be recorded and recalled accordingly, since providing an associated audio data is convenient and makes a strong impression regarding specific transparency.

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6. Claims 22, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giesberg as applied to claims 15 and 29 above, and further in view of Hori et al. (US 6,441,827 B1), hereinafter Hori.

As for claims 22, 24 and 30, Giesberg teaches all the elements as recited in claim 15 and 29 except for the sensing of permission of person in order to permit viewing of an image. Hori teaches an image reproduction apparatus. Specifically, an object and corresponding scene description would only be changed on display when the associated object data can be decoded by the personal identification code inputted (fig. 6; column 5 lines 19-27).

It would have been obvious to incorporate the teaching of Hori by providing a similar security checking system that allows viewing of the image transparency, electronic image, or other image devices only when security check of the user is successful, since this avoids the data from being viewed by unauthorized personnel.

Allowable Subject Matter

7. Claims 20 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: none of the prior arts of record teaches the limitations

“wherein the memory also stores information about light transmission characteristics of the image transparency and the control processing unit adjusts

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operation of the adjustable light providing area based upon the light transmission characteristics" of claim 20, and

"wherein said obtained data comprises at least one data that indicates a transparency type, transparency color characteristics, transparency age, and transparency density adjustment curve information" of claim 27.

In other words, the integral provision of data associated with the transparency characteristics of a transparency in order to adjust overall lighting for that transparency being viewed, is not taught or obvious in view of Giesberg's teachings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom V. Sheng whose telephone number is (571) 272-7684. The examiner can normally be reached on 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tom Sheng
June 22, 2006

AMR A. AWAD
PRIMARY EXAMINER
